

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Steven S. Brown,	:	Case No. 2:13-cv-006
	:	
Plaintiff,	:	District Judge George C. Smith
	:	Magistrate Judge Sharon L. Ovington
vs.	:	
	:	
Director Mohr, et al.,	:	
	:	
Defendants.	:	
	:	

ORDER

This case is before the Court upon Plaintiff's Motion For An Order Of Protection and Motion For An Order To The Defendants To Send Their Motion For Summary Judgment By Certified Mail (Doc. #269), Defendants' Memorandum In Opposition to both Motions (Doc. #271), and Defendants' Notice of Filing Exhibits (Doc. #273).

Plaintiff seeks an Order compelling Defendants and the Clerk of Courts to send him by certified mail a copy of their Motion For Summary Judgment. Defendants have established in their Memorandum and Exhibits that Plaintiff received a copy of their Motion For Summary Judgment and attached Exhibits on April 29, 2019. Although Plaintiff notes that he did not receive the Exhibits, the record shows otherwise. *See* Doc. # 271, *PageID* #5218; Doc. #273, Exhibits A and B. Defendants' counsel, moreover, acted promptly and thoroughly to effect service of Defendants' Motion and Exhibits, once he learned that Plaintiff had been transferred to the Mansfield Correctional

Institution. Plaintiff is not entitled to receive additional copies of documents he already possesses. Further, his Motion For An Order To Defendants is moot.

Plaintiff also asks the Court to instruct Defendants to, from now on, send all his legal mail by certified mail. He is not entitled to this instruction because he is effectively requesting injunctive relief well before he has shown a strong likelihood of success on his claims. *See Tumblebus Inc. v. Cranmer*, 399 F.3d 754, 760 (6th Cir. 2005).

Plaintiff's next request—that defendants be ordered to accept his telephone calls and JPay emails—is denied since it lacks support in law. And Plaintiff's final request—that the Court order all his “legal evidence be protected from further destruction by the Defendants”—is superfluous because Defendants have an ongoing obligation not to destroy Plaintiff's legal mail and is premature because it puts the cart (the requested remedy) before the horse (proof establishing his remaining allegations and claims).

IT IS THEREFORE ORDERED THAT:

Plaintiff's Motion For An Order Of Protection and Motion For An Order To The Defendants To Send Their Motion For Summary Judgment By Certified Mail (Doc. #269) is DENIED.

May 6, 2019

s/Sharon L. Ovington

Sharon L. Ovington
United States Magistrate Judge